



EMPLOYMENT TRIBUNALS

Claimants: Mr A Gainey & Others
Respondents: (1) Secretary of State for Education
(2) Department for Education

Heard at: East London Hearing Centre
(by Video)

On: 28 March 2022

Before: Employment Judge Crosfill

Appearances

For the Leigh Day Claimants:	Ms N Ling (Counsel)
For the NASUWT Claimants:	Ms S King (Counsel)
For the First and Second Respondent:	Mr C Milsom (Counsel)

PARTIAL REMEDY JUDGMENT

UPON EJ Burgher having determined on 17 January 2022 that pursuant to s.124(2)(a) of the Equality Act 2010 all existing Claimants are entitled to a declaration that the First Respondent discriminated against them on grounds of age in the arrangements arising from transitional arrangements in the New Teachers' Pension Scheme established by the Teachers' Pension Scheme Regulations 2014

AND UPON the parties reaching agreement as to the terms of the declaration that is set out below

AND BY CONSENT

IT IS DECLARED THAT:

1. All existing Claimants who, by reason of their age, would not satisfy paragraphs 7 and/or 8 and/or 9 of Schedule 3 to the Teachers' Pension Scheme Regulations 2014 from 1 April 2015 are entitled, pursuant to section 61 of the Equality Act 2010, to be treated as satisfying those paragraphs from that date. (for the avoidance of doubt an 'existing Claimant', is any person whose claim has been joined and heard together with the case number set out above and which was not withdrawn, dismissed or compromised prior to the date of this judgment).

2. All other issues relating to remedy shall be decided at a further hearing.

Employment Judge Crosfill
Date: 6 April 2022